

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

ANDREW JUNIOR HEMBRY,

Plaintiff,

v.

Civil Action No. 3:16CV408

J.A. TURPIN, et al.,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on July 15, 2016, the Court conditionally docketed the action. At that time, the Court directed Andrew Junior Hembry to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned Hembry that a failure to comply with the above directive within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Hemby has not complied with the order of this Court. Hembry failed to return the consent to collection of fees form. As a result, he does not qualify for in forma pauperis status. Furthermore, he has not paid the statutory filing fee for the instant action. See 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. See Fed. R. Civ. P. 41(b). Accordingly, this action will be dismissed without prejudice.

The Clerk is directed to send a copy of the Memorandum Opinion to Hembry.

It is so ORDERED.

_____/s/ *REP*
Robert E. Payne
Senior United States District Judge

Date: *August 25, 2016*
Richmond, Virginia